

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

FIRST APPEAL NO.31 OF 1998.

The State of Maharashtra : Appellants.

versus

Shri Vinod Chandrakant Pitale

& anr. : Respondents.

Mr.S.N.Gawade, AGP, for the State/Appellant.

None for the respondents.

CORAM : D.G.DESHPANDE, J.

DATED : 21st APRIL 2005.

ORAL ORDER

1. Heard the learned AGP for the State/Appellant. Nobody is present for the respondents. This appeal is filed by the State challenging the order of the Reference Court dated 17.7.1997 in a reference under Land Acquisition Act. 7130 sq.mtrs land of the claimant was acquired by the State. The Special

Land Acquisition Officer awarded him Rs.40/- per sq.mtr. The reference Court enhanced it to Rs.60/- per sq.mtr., and therefore, this appeal by the State.

2. I do not find any merit in this appeal. Because the SLAO, in his award, has come to the conclusion that price of the land at the time was Rs.120/- per sq.mtr. but that was the price for developed land and for undeveloped land, according to him, the price would be Rs.60/- per sq.mtr. The Reference Court rightly found that the reasonings given by the SLAO for awarding Rs.40/- per sq.mtr. only were not proper. if the SLAO has come to the conclusion that the price was Rs.60/- per sq.mtr. then he was not justified in reducing the price to Rs.40/- per sq.mtr. The reference Court, therefore, rightly enhanced the compensation from Rs.40/- to Rs.60/- per sq.mtr. There is no illegality committed in that regard. No interference is called for. Hence the appeal is dismissed. No order as to costs.

[D.G.DESHPANDE]

21/04/2005

JUDGE .